

**NGO Comments on the EU Recast Regulation on Persistent Organic Pollutants (recast of Regulation (EC) No 850/2004)
Amendments for vote by the EU Parliament on November 15, 2018**

EU Recast proposal	Proposed amendment	Recommendation
<p>Recital 10 Obsolete or carelessly managed stockpiles of POPs may seriously endanger the environment and human health through, for instance, contamination of soil and ground water. It is appropriate, therefore, to lay down stricter rules concerning the management of such stockpiles compared to those laid down in the Convention. Stockpiles of prohibited substances should be treated as waste, while stockpiles of substances the manufacturing or use of which is still allowed should be notified to the authorities and properly supervised. In particular, existing stockpiles which consist of or contain banned persistent organic pollutants ☐ POPs should be managed as waste as soon as possible. If other substances are banned in the future, their stocks should also be destroyed without delay and no new stockpiles should be built up. In view of the particular problems of certain new Member States, adequate financial and technical assistance should be provided through existing Community financial instruments, such as the Cohesion and Structural Funds.</p>	<p>Amendment 2 Recital 10 Obsolete or carelessly managed stockpiles of POPs may seriously endanger the environment and human health through, for instance, contamination of soil and ground water. It is appropriate, therefore, to lay down stricter rules concerning the management of such stockpiles compared to those laid down in the Convention. Stockpiles of prohibited substances should be treated as waste, while stockpiles of substances the manufacturing or use of which is still allowed should be notified to the authorities and properly supervised. In particular, existing stockpiles which consist of or contain banned POPs should be managed as waste as soon as possible. <i>If other substances are banned in the future, their stocks should also be destroyed without delay and no new stockpiles should be built up. In view of the particular problems of certain Member States, adequate financial and technical assistance should be provided through existing Union financial instruments.</i></p>	<p>Support AM 2</p> <p><i>Justification: The proposed amendment retains the original text and intention of this recital of the Regulation with updated references.</i></p>

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<p>Recital 11 In line with the Protocol and the Convention, releases of POPs which are unintentional by-products of industrial processes should be identified and reduced as soon as possible with the ultimate aim of elimination, where feasible. Appropriate national action plans, covering all sources and measures, including those provided for under existing Union legislation, should be implemented and developed to reduce such releases continuously and cost-effectively. To this end, appropriate tools should be developed in the framework of the Convention.</p>	<p>Amendment 3 Recital 11 In line with the Protocol and the Convention, releases of POPs which are unintentional by-products of industrial processes should be identified and reduced as soon as possible with the ultimate aim of elimination, where feasible. Appropriate national action plans, covering all sources and measures, including those provided for under existing Union legislation, should be implemented and developed to reduce such releases continuously and cost-effectively <i>as soon as possible</i>. To this end, appropriate tools should be developed in the framework of the Convention.</p>	<p>Support AM 3</p> <p><i>Justification: The proposed amendment retains the original text and intention of this recital of the Regulation.</i></p>
<p>Recital 15 (new) There is a need to ensure the effective coordination and management of technical and administrative aspects of this Regulation at Union level. The European Chemicals Agency ("the Agency"), established by Regulation (EC) No 1907/2006, has the competence and experience in implementing Union legislation on chemicals and international agreements on chemicals. The Member States and the Agency should, therefore, carry out tasks with regard to the administrative, technical and scientific</p>	<p>Amendment 4 Recital 15 There is a need to ensure the effective coordination and management of technical and administrative aspects of this Regulation at Union level. The European Chemicals Agency ("the Agency"), established by Regulation (EC) No 1907/2006, has the competence and experience in implementing Union legislation on chemicals and international agreements on chemicals. The Member States and the Agency should, therefore, carry out tasks with regard</p>	<p>Reject AM 4</p> <p><i>Justification: The text in the new Recital 15 proposed by the Commission empowers ECHA and its technical expertise to play an appropriate role as a resource for preparing nominations to the Stockholm Convention.</i></p> <p><i>However, the proposed Amendment assigns ECHA the power to both</i></p>

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<p>aspects of the implementation of this Regulation and the exchange of information. The role of the Agency should include the preparation and examination of technical dossiers, including stakeholder consultations, and the drawing up of opinions that may be used by the Commission in considering whether to come forward with a proposal for listing a substance as a POP in the Convention or the Protocol. In addition, the Commission, the Member States and the Agency should cooperate in order to implement the Union's international obligations under the Convention effectively.</p>	<p>to the administrative, technical and scientific aspects of the implementation of this Regulation and the exchange of information. It is necessary that the role of the Agency cover the preparation and examination of technical dossiers, including stakeholder consultations, and the drawing up of opinions that are to be used by the Commission in considering whether to come forward with a proposal for listing a substance as a POP in the Convention or the Protocol. In addition, the Commission, the Member States and the Agency should cooperate in order to implement the Union's international obligations under the Convention effectively.</p>	<p><i>decide if substances should be nominated as well as preparing the nomination dossier. This is highly problematic since ECHA's mandate is to implement the EU's Chemicals Policies, not taking decisions in relation to the EU's international Convention engagement. Deciding on measures such as a SC nomination is a political decision and should not be delegated to ECHA</i></p> <p><i>Also, this proposed Amendment would severely limit the ability for Member States to engage in the nomination process.</i></p>
<p>Recital 16 The Convention provides that each Party is to draw up and endeavour to implement, as appropriate, a plan for the implementation of its obligations under the Convention. Member States should provide opportunities for public participation in drawing up, implementing and updating their implementation plans. Since the Union and the Member States share competence in that regard, implementation plans should be drawn up both at national and</p>	<p>Amendment 5 Recital 16 The Convention provides that each Party is to draw up and endeavour to implement, as appropriate, a plan for the implementation of its obligations under the Convention and transmit it to the Conference of the Parties as soon as possible, at the latest by ... [two years after the date of entry into force of this Regulation]. Member States should provide opportunities for public participation in</p>	<p>Support AM 5</p> <p><i>Justification: The Amendment aligns the text of Recital 16 with provisions laid down under the Stockholm Convention Article 7</i></p>

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<p>Union level. Cooperation and an exchange of information between the Commission, the Agency and the authorities of the Member States should be promoted.</p>	<p>drawing up, implementing and updating their implementation plans. Since the Union and the Member States share competence in that regard, implementation plans should be drawn up both at national and Union level. Cooperation and an exchange of information between the Commission, the Agency and the authorities of the Member States should be promoted.</p>	
<p>Recital 17 (new) Substances listed in Part A to Annex I or Part A to Annex II to this Regulation should only be allowed to be manufactured and used as closed-system site-limited intermediates if an annotation to that effect is expressly entered in that Annex and if the manufacturer confirms to the Member State concerned that the substance is only manufactured and used under strictly controlled conditions.</p>	<p>Amendment 6 Recital 17 Substances listed in Part A to Annex I or Part A to Annex II to this Regulation should only be allowed to be manufactured and used as closed-system site-limited intermediates if an annotation to that effect is expressly entered in that Annex and if the manufacturer confirms to the Member State concerned that the substance is only manufactured and used under strictly controlled conditions, <i>namely without posing significant risks to the environment or human health and in the absence of any technically feasible alternatives.</i></p>	<p>Support AM 6</p> <p><i>Justification: Noting that only the world's worst substances are listed in Annex A under the Stockholm Convention, it is important that they can only be used as closed-system site-limited intermediates if every precaution is taken to ensure their safe handling</i></p>
<p>Recital 18 In accordance with the Convention and the Protocol, information on POPs should be</p>	<p>Amendment 7 Recital 18 In accordance with the Convention and the</p>	<p>Support AM 7</p> <p><i>Justification: This amendment</i></p>

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<p>provided to other Parties to those Agreements. The exchange of information with third countries not party to those Agreements should also be promoted</p>	<p>Protocol, information on POPs should be provided to other Parties to those Agreements. The exchange of information with third countries not party to those Agreements should also be promoted. Similarly, the Convention requires that each Party must undertake to develop appropriate strategies to identify sites contaminated by POPs, and the Union's Seventh Environment Action Programme, up to 2020, commits the Union and its Member States to stepping up their efforts to remediate contaminated sites.</p>	<p><i>aligns the recital to the amendments to Article 11(2) and Article 11(3) and should be approved.</i></p>
<p>Recital 19 Since public awareness of the hazards that POPs pose to the health of present and future generations as well as to the environment, particularly in developing countries, is often lacking, wide-scale information is needed to increase the level of caution and public understanding of the rationale for restrictions and bans. In accordance with the Convention, public awareness programmes on those substances, especially for the most vulnerable groups, as well as training of workers, scientists, educators, technical and managerial personnel should be promoted and facilitated, as appropriate.</p>	<p>Amendment 8 Recital 19 Since public awareness of the hazards that POPs pose to the health of present and future generations as well as to the environment, particularly in developing countries, is often lacking, wide-scale information is needed to increase the level of caution and public understanding of the rationale for restrictions and bans. In accordance with the Convention, public awareness programmes on those substances as regards their health and environmental effects, especially for the most vulnerable groups, as well as training of workers, scientists, educators, technical and managerial personnel should be promoted and</p>	<p>Support AM 8</p> <p><i>Justification: The Aarhus Convention on public access to environmental information and public participation shall be respected and implemented. This is instrumental to achieving greater public awareness and participation in line with the Stockholm Convention Article 10 on public information, awareness and education. Reference to public awareness programs on POPs' "health and environmental effects and on their alternatives" is also</i></p>

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	facilitated, as appropriate. <i>The Union should ensure access to information and public participation, implementing the UN/ECE Convention on access to information, public participation in decision-making and access to justice in environmental matters (Aarhus Convention), which was approved by the Union on 17 February 20051a</i>	<i>referenced in Art. 10 of the Stockholm Convention.</i>
<p>Article 2 – paragraph 1 – point j (new) 'closed system site-limited intermediate' means a substance that is manufactured for and consumed in or used for chemical processing in order to be transformed into one or more other substances and where the manufacture of the intermediate and its transformation into one or more other substances take place on the same site under strictly controlled conditions in that it is rigorously contained by technical means during its whole lifecycle.</p>	<p>Amendment 9 Article 2 – paragraph 1 – point j 'closed system site-limited intermediate' means a substance that is manufactured for and consumed in or used for chemical processing in order to be transformed into another substance, hereinafter referred to as 'synthesis', and where the manufacture of the intermediate and its transformation into one or more other substances take place by way of a synthesis on the same site, including a site that is operated by one or more legal entities, under strictly controlled conditions in that it is rigorously contained by technical means during its whole lifecycle.</p>	<p>Reject AM 9</p> <p><i>Justification: Noting that there is no definition of what a site is in the POPs regulation or the Stockholm Convention, having a toxic chemical handled by different legal entities open ups for shell corporations conducting a wide variety of illegal activities such as waste dumping, insecure transports leading to spills and accidents, etc. It also introduces the tangible risk for trading of banned substances between companies.</i></p>
<p>Article 4 – paragraph 3 – subparagraph 2 – point b the manufacturer demonstrates that the</p>	<p>Amendment 10 Article 4 – paragraph 3 – subparagraph 2 – point b</p>	<p>Support AM 10</p> <p><i>Justification: The Stockholm</i></p>

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<p>manufacturing process will transform the substance into one or more other substances that do not exhibit the characteristics of a POP</p>	<p>(b) the manufacturer demonstrates that the manufacturing process will transform the substance into one or more other substances that do not exhibit the characteristics of a POP, that it is not expected that either humans or the environment will be exposed to any significant quantities of the substance during its production and use, as shown through assessment of that closed system in accordance with Regulation (EC) No 1272/20081a of the European Parliament and of the Council and that there are no technically feasible alternatives to the use of a substance listed in Part A of Annex I or in Part A of Annex II to this Regulation;</p>	<p><i>Convention stipulates that POP manufacturers must assume responsibility for reducing the adverse effects their products have on human health or the environment and providing information to users, governments and the public on the hazardous properties of those substances. That principle should also extend to the users of POPs. The amendment is consistent with Article 4 of Regulation 2017/852 on mercury. The POPs Regulation should be aligned with the Convention and with the latest Union legislation.</i></p>
<p>Article 5 – paragraph 2 – subparagraph 2 The holder shall manage the stockpile in a safe, efficient and environmentally sound manner</p>	<p>Amendment 11 Article 5 – paragraph 2 – subparagraph 2 The holder shall manage the stockpile in a safe, efficient and environmentally sound manner, in accordance with the thresholds and requirements laid down in Directive 2012/18/EU of the European Parliament and of the Council1a and Directive 2010/75/EU of the European Parliament and of the Council1b, where applicable.</p>	<p>Support AM 11 <i>Justification: Directive 2012/18/EU also applies to dangerous substances falling within the scope of the POPs Regulation. Its requirements should thus be referred to in this proposal for a regulation.</i></p>

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<p>Article 6 – paragraph 3 Member States shall, when considering proposals to construct new facilities or to significantly modify existing facilities using processes that release chemicals listed in Annex III, give priority consideration to alternative processes, techniques or practices that have similar usefulness but which avoid the formation and release of substances listed in Annex III, without prejudice to Directive 2010/75/EU of the European Parliament and of the Council.</p>	<p>Amendment 13 Article 6 – paragraph 3 Member States shall, when considering proposals to construct new facilities or to significantly modify existing facilities using processes that release chemicals listed in Annex III, give priority consideration to alternative processes, techniques or practices^{29a} that have similar usefulness but which avoid the formation and release of substances listed in Annex III, without prejudice to Directive 2010/75/EU of the European Parliament and of the Council. <i>29a Stockholm Convention on POPs (2008). Guidelines on Best Available Techniques and Provisional Guidance on Best Environmental Practices Relevant to Article 5 and Annex C of the Stockholm Convention on Persistent Organic Pollutants. Geneva, Secretariat of the Stockholm Convention on POPs. http://www.pops.int/Implementation/BATandBEP/BATBEPGuidelinesArticle5/tabid/187/Default.aspx</i></p>	<p>Support AM 13</p> <p><i>Justification: it is necessary to add a reference to the BAT / BEP Guidelines of the Stockholm Convention, which provide alternatives to the incineration of waste containing POPs that lead to dioxins. It is not possible to find these alternatives in any of the EU documents. The purpose of this reference is to better implement and clarify the obligations under the Stockholm Convention.</i></p>
<p>Article 8 – paragraph 1 – point c (new) upon request, provide technical <i>and</i> scientific <i>support and input</i> to the Commission for substances <i>that</i> may comply with the criteria</p>	<p>Amendment 15 Article 8 – paragraph 1 – point c upon request, provide <i>robust</i> technical and scientific support and input to the Commission</p>	<p>Support AM 15</p> <p><i>Justification: this amendment is in line with the obligations of the</i></p>

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for listing in the Convention or the Protocol	for substances that may comply with the criteria for listing in the Convention or the Protocol, <i>including on the prevention of the production and use of new POPs, and on the assessment of pesticides or industrial chemicals currently in use;</i>	<i>Stockholm Convention.</i>
<p>Article 8 – paragraph 1 – point f compile, register, process and make available to the Commission and the competent authorities of the Member States all the information received or available pursuant to Article 4(2) and (3), Article 7(4)(b)(iii), Article 9(2), Article 13(1). The Agency shall make the non-confidential information publicly available on its website and shall facilitate the exchange of that information with relevant information platforms such as those referred to in Article 13(2);</p>	<p>Amendment 16 Article 8 – paragraph 1 – point f compile, register, process and make available to the Commission and the competent authorities of the Member States all the information received or available pursuant to Article 4(2) and (3), Article 5, Article 7(4)(b)(iii), Article 9(2), Article 13(1). The Agency shall make the non-confidential information publicly available on its website and shall facilitate the exchange of that information with relevant information platforms such as those referred to in Article 13(2);</p>	<p>Support AM 16</p> <p><i>Justification: The information referred to in Article 5 should be explicitly included among that for which ECHA will be required to establish a register. All this information, moreover, should be made publicly available</i></p>

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	<p>Amendment 18 Article 11 – paragraph 2 a (new) <i>The Commission shall organise an exchange of information with the Member States regarding the measures taken at national level to identify and assess sites contaminated by POPs and to address the significant risks such contamination may pose to human health and the environment.</i></p>	<p>Support AM 18</p> <p><i>Justification: Article 6(1) of the Convention stipulates that ‘each Party shall: (...) (a) Develop appropriate strategies for identifying stockpiles consisting of or containing chemicals (...)’. The 7th EAP commits the EU to remediating contaminated sites. In several Member States such identification and remediation has yet to take place. The amendment is consistent with Article 15 of Regulation 2017/852 on mercury. This regulation, too, should be aligned with the Convention and with the latest Union legislation</i></p>
<p>Article 11 – paragraph 3 Without prejudice to Directive 2003/4/EC of the European Parliament and of the Council, information <i>referred to in paragraphs 1 and 2</i> shall not be regarded as confidential. The Commission, the Agency and the Member States that exchange information with a third country shall protect any confidential information in accordance with Union law</p>	<p>Amendment 19 Article 11 – paragraph 3 Without prejudice to Directive 2003/4/EC of the European Parliament and of the Council, information <i>on health and safety of humans and the environment</i> shall not be regarded as confidential. The Commission, the Agency and the Member States that exchange <i>other</i> information with a third country shall protect</p>	<p>Support AM 19</p> <p><i>Justification: The amendment aligns the language of the Regulation with that of the Stockholm Convention Article 9(5). These revisions should be adopted.</i></p>

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	any confidential information in accordance with Union law <i>as mutually agreed</i> .	
	<p>Amendment 20 Article 13 – paragraph 1 – subparagraph 2 a (new) <i>The Union shall ensure access to information and public participation throughout the monitoring of implementation.</i></p>	<p>Support AM 20</p> <p><i>Justification: The Amendment ensures that the Aarhus Convention on public access to environmental information and public participation is respected and implemented.</i></p>
<p>Article 18 – paragraph 2 The power to adopt delegated acts referred to in Articles 4(3), 7(5) and 15 shall be conferred on the Commission for an indeterminate period of time from [...].</p>	<p>Amendment 22 Article 18 – paragraph 2 The power to adopt delegated acts referred to in Articles 4(3), 7(5) and 15 shall be conferred on the Commission for a period of five years from [date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</p>	<p>Support AM 22</p> <p><i>Justification: The delegation of power conferred on the Commission cannot be for an indeterminate period of time. The European Parliament and the Council must be able to exercise political control over any delegations conferred on the Commission.</i></p>

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<p>Annex I – part A – table – row 17 Polychlorinated Biphenyls (PCB) CAS no: 1336-36-3 and others EC no: 215-648-1 and others</p> <p>Without prejudice to Directive 96/59/EC, articles already in use at the time of the entry into force of this Regulation are allowed to be used. Member States shall identify and remove from use equipment (e.g. transformers, capacitors or other receptacles containing liquid stocks) containing more than 0,005 % PCBs and volumes greater than 0,05 dm³, as soon as possible but no later than 31 December 2025.</p>	<p>Amendment 24 Annex I – part A – table – row 17 Polychlorinated Biphenyls (PCB) 1336-36-3 and others 215- 648-1 and others Without prejudice to Directive 96/59/EC, articles already in use at the time of the entry into force of this Regulation are allowed to be used. Member States shall endeavour to identify and remove from use equipment (e.g. transformers, capacitors or other receptacles containing liquid stocks) containing more than 0,005 % PCBs and volumes greater than 0,05 dm³, as soon as possible and no later than 31 December 2025.</p>	<p>Reject AM 24</p> <p><i>Justification: This amendment weakens the provisions for PCBs, one of the original twelve POPs covered by the Stockholm Convention at its signing in 2001.</i></p> <p><i>All use equipment (e.g. transformers, capacitors or other receptacles containing liquid stocks) containing more than 0,005 % PCBs and volumes greater than 0,05 dm³ must be identified and removed at latest by the assigned deadline, noting the extensive time frame for compliance.</i></p>
	<p>Amendment 26 Annex I – part A – row 24 b (new)</p> <p><i>Alkanes C10-C13, chloro (short-chain chlorinated paraffins)</i> <i>CAS No 85535-84-8</i> <i>EC No287-476-5</i></p> <p>Specific exemption on intermediate use or other specification:</p>	<p>Reject AM 26.1 on concentration limit</p> <p><i>Justification: SCCPs are toxic to aquatic organisms at low concentrations, disrupt endocrine function, and are suspected to cause cancer in humans. Any allowed limits should therefore be carefully considered,</i></p>

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	<p>1. By way of derogation, the manufacturing, placing on the market and use of substances or preparations containing SCCPs in concentrations lower than 1 % by weight or articles containing SCCPs in concentrations lower than 0,15 % by weight shall be allowed.</p> <p>2. Use shall be allowed in respect of:</p> <p style="padding-left: 40px;">(a) conveyor belts in the mining industry and dam sealants containing SCCPs already in use before or on 4 December 2015; and</p> <p style="padding-left: 40px;">(b) articles containing SCCPs other than those referred to in point (a) already in use before or on 10 July 2012.</p> <p>3. The third and fourth subparagraphs of Article 4(2) shall apply to the articles referred to in paragraph 2.</p>	<p><i>mindful of the precautionary approach protecting human health and the environment.</i></p> <p><i>A report developed on behalf of the Federal Environment Agency in Germany in 2015¹ concludes that “In order to minimise risks, it is possible to set the Low POPs Content Level for SCCP to 1,000 mg/kg or even 100 mg/kg”, affirming the feasibility of a 100 mg/kg LPCL.</i></p> <p><i>Noting that these are the levels that refer to hazardous waste and not to allowed limits in articles, any trace amounts allowed in articles should be significantly lower than 100 mg/kg.</i></p> <p><i>Noting also that SCCP contamination is already widespread in plastics in the recycling stream and ending up in toys², every care should be taken to keep additional contamination out.</i></p>

¹ Identification of potentially POP-containing Wastes and Recyclates – Derivation of Limit on behalf of the Federal Environment Agency (Germany) 2015 https://www.umweltbundesamt.de/sites/default/files/medien/378/publikationen/texte_35_2015_identification_of_potentially_pop-containing_wastes.pdf

² See e.g. IPEN, Toxic Industrial Chemical Recommended For Global Prohibition Contaminates Children’s Toys, 2017

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<p>Annex I – part B Alkanes C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs) CAS No 85535-84-8 EC No 287-476-5</p> <p><i>Specific exemption on intermediate use or other specification:</i></p> <p><i>1. By way of derogation, the manufacturing, placing on the market and use of substances or preparations containing SCCPs in concentrations lower than 1 % by weight or articles containing SCCPs in concentrations lower than 0,15 % by weight shall be allowed.</i></p> <p><i>2. Use shall be allowed in respect of:</i></p> <p><i>(a) conveyor belts in the mining industry and dam sealants containing SCCPs already in use before or on 4 December 2015; and</i></p> <p><i>(b) articles containing SCCPs other than those referred to in point (a) already in use before or on 10 July 2012.</i></p>	<p>Amendment 27 Deleted</p>	<p>Support AM 27</p> <p><i>Justification:</i> AM 27 updates the regulation moving SCCPs from Part B to Part A in line with the Convention. However, the proposed content limit on AM27.1 should be rejected.</p> <p><i>A report developed on behalf of the Federal Environment Agency in Germany in 2015³ concludes that “In order to minimise risks, it is possible to set the Low POPs Content Level for SCCP to 1,000 mg/kg or even 100 mg/kg”, affirming the feasibility of a 100 mg/kg LPCL.</i></p> <p><i>Noting that these are the levels that refer to hazardous waste and not to allowed limits in articles, any trace amounts allowed in articles should be significantly lower than 100</i></p>

https://ipen.org/sites/default/files/documents/ipen-sccps-report-v1_5-en.pdf

³ Identification of potentially POP-containing Wastes and Recyclates – Derivation of Limit on behalf of the Federal Environment Agency (Germany) 2015
https://www.umweltbundesamt.de/sites/default/files/medien/378/publikationen/texte_35_2015_identification_of_potentially_pop-containing_wastes.pdf

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<p>3. The third and fourth subparagraphs of Article 4(2) shall apply to the articles referred to in paragraph 2.</p>		<p>mg/kg.</p> <p><i>Noting also that SCCP contamination is already widespread in plastics in the recycling stream and ending up in toys, every care should be taken to keep additional contamination out.</i></p>
<p>LIST OF SUBSTANCES SUBJECT TO RELEASE REDUCTION PROVISIONS Substance (CAS No) Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) Hexachlorobenzene (HCB) (CAS No: 118-74-1) Polychlorinated biphenyls (PCB) Polycyclic aromatic hydrocarbons (PAHs)(37)</p> <p>37. For the purpose of emission inventories, the following four compound indicators shall be used: benzo(a)pyrene, benzo(b) fluoranthene, benzo(k)fluoranthene and indeno(1,2,3-cd)pyrene.</p> <p>Pentachlorobenzene (CAS No 608-93-5)</p>	<p>Amendment 28 Annex III LIST OF SUBSTANCES SUBJECT TO RELEASE REDUCTION PROVISIONS Substance (CAS No) Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF) Hexachlorobenzene (HCB) (CAS No: 118-74-1) Polychlorinated biphenyls (PCB) Polycyclic aromatic hydrocarbons (PAHs) 37. For the purpose of emission inventories, the following four compound indicators shall be used: benzo(a)pyrene, benzo(b) fluoranthene, benzo(k)fluoranthene and indeno(1,2,3-cd)pyrene.</p> <p>Pentachlorobenzene (CAS No 608-93-5)</p> <p><i>Polychlorinated naphthalenes (1)</i> <i>(1) 'Polychlorinated naphthalenes' means</i></p>	<p>Support AM 28</p> <p><i>Justification:</i> <i>This amendment is necessary in order to align the present recast to the most recent decisions of the Stockholm Convention's Conference of the Parties.</i></p>

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	<p><i>chemical compounds based on the naphthalene ring system, where one or more hydrogen atoms have been replaced by chlorine atoms.</i></p> <p><i>Hexachlorobutadiene (CAS No 87-68-3)</i></p>	
<p>Article 7 – paragraph 6 The Commission may, where appropriate, and taking into consideration technical developments and relevant international guidelines and decisions and any authorisations granted by a Member State, or by the competent authority designated by that Member State in accordance with paragraph 4 and Annex V, adopt, by means of implementing acts additional measures relating to the implementation of this Article. In particular, the Commission may specify the information to be submitted by Member States in accordance with paragraph 4(b)(iii). Such measures shall be decided in accordance with the advisory procedure laid down in Article 20(2).</p>	<p>Amendment 33 Article 7 – paragraph 6 The Commission is empowered to adopt delegated acts in accordance with Article 18 in order to adopt additional measures relating to the implementation of this Article, taking into consideration technical developments and relevant international guidelines and decisions and any authorisations granted by a Member State, or by the competent authority designated by that Member State in accordance with paragraph 4 and Annex V. In particular, the Commission may specify the information to be submitted by Member States in accordance with paragraph 4(b)(iii).</p> <p>Amendment 14 Article 7 – paragraph 6 The Commission may, where appropriate, and taking into consideration technical developments and relevant international</p>	<p>Support AM 33</p> <p><i>Justification: non-essential elements of the basic act should be adopted by delegated acts.</i></p> <p>Reject AM 14 (falls if AM 33 is adopted)</p> <p><i>Justification: The proposed Amendment changes the meaning</i></p>

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	<p>guidelines and decisions and any authorisations granted by a Member State, or by the competent authority designated by that Member State in accordance with paragraph 4 and Annex V, adopt implementing acts setting out the format of the information to be submitted by Member States in accordance with paragraph 4(b)(iii). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 20(2).</p>	<p><i>of the paragraph and radically weakens its provisions. It is a big difference between “adopt additional measures by means of implementation acts” and “adopt implementing acts setting out the format of the information to be submitted”.</i></p>
<p>Article 13 – paragraph 5 The Commission may adopt implementing acts further specifying the minimum information to be provided in accordance with paragraph 1, including the definition of indicators, maps and Member State overviews referred to in paragraph 1(f). Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 20(2).</p>	<p>Amendment 34 Article 13 – paragraph 5 The Commission is empowered to adopt delegated acts in accordance with Article 18 to further specify the minimum information to be provided in accordance with paragraph 1, including the definition of indicators, maps and Member State overviews referred to in paragraph 1(f).</p> <p>Amendment 21 Article 13 – paragraph 5 The Commission may adopt implementing acts setting out the format of the information to be provided in accordance with paragraph 1, including the definition of indicators, maps and Member State overviews referred to in paragraph 1(f). Those implementing acts shall</p>	<p>Support AM 34</p> <p><i>Justification: specifications of the minimum information supplements non-essential elements of the basic act and should be adopted by delegated acts.</i></p> <p>Reject AM 21 (falls if AM34 is adopted)</p> <p><i>Justification: The proposed Amendment changes the meaning of the paragraph. It is a big difference between “adopt implementing acts further</i></p>

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	be adopted in accordance with the advisory procedure referred to in Article 20(2).	<i>specifying the minimum information” and “adopt implementing acts setting out the format of the information to be provided”.</i>
<p>Article 18 – paragraph 3 The delegation of power referred to in Articles 4(3), 7(5) and 15 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p>	<p>Article 18 – paragraph 3 Amendment 35 The delegation of power referred to in Articles 4(3), 7(5), 7(6), 13(5) and 15 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.</p>	<p>Support AM 35</p> <p><i>Justification: this amendment is a consequence of AM33 and AM34 on the derogation of powers.</i></p>
<p>Annex I – part A – table – column 4 – row 1 – point 2 – point a <i>(a) without prejudice to subparagraph (b), articles and mixtures containing concentrations below 0,1 % of tetrabromodiphenyl ether by weight when produced partially or fully from recycled materials or materials from waste prepared for re-use;</i></p>	<p>Amendment 38 <i>Deleted</i></p>	<p>Support AM 38</p> <p><i>Justification: The biggest issue connected with the POPs is currently the lack of reporting on emissions in waste. The excessively lax limits for waste in Annex IV and the derogations for the recycling of brominated diphenyl ethers (in</i></p>

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		<p><i>particular, penta-BDE and octa-BDE) lead to the contamination of recycled plastic products, such as children's toys, kitchen utensils or food packaging. To stop the flow of these toxic substances, it will be necessary to remove the recycling derogations.</i></p>
<p>Annex I – part A – table – column 4 – row 2 – point 2 – point a <i>(a) without prejudice to subparagraph (b), articles and mixtures containing concentrations below 0,1 % of pentabromodiphenyl ether by weight when produced partially or fully from recycled materials or materials from waste prepared for re-use;</i></p>	<p>Amendment 39 <i>Deleted</i></p>	<p>Support AM 39</p> <p><i>Justification: The biggest issue connected with the POPs is currently the lack of reporting on emissions in waste. The excessively lax limits for waste in Annex IV and the derogations for the recycling of brominated diphenyl ethers (in particular, penta-BDE and octa-BDE) lead to the contamination of recycled plastic products, such as children's toys, kitchen utensils or food packaging. To stop the flow of these toxic substances, it will be necessary to remove the recycling derogations.</i></p>
<p>Annex I – part A – table – column 4 – row 3 – point 2 – point a</p>	<p>Amendment 40 <i>Deleted</i></p>	<p>Support AM 40</p>

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<p><i>(a) without prejudice to subparagraph (b), articles and mixtures containing concentrations below 0,1 % of hexabromodiphenyl ether by weight when produced partially or fully from recycled materials or materials from waste prepared for re-use;</i></p>		<p><i>Justification: The biggest issue connected with the POPs is currently the lack of reporting on emissions in waste. The excessively lax limits for waste in Annex IV and the derogations for the recycling of brominated diphenyl ethers (in particular, penta-BDE and octa-BDE) lead to the contamination of recycled plastic products, such as children's toys, kitchen utensils or food packaging. To stop the flow of these toxic substances, it will be necessary to remove the recycling derogations.</i></p>
<p>Annex I – part A – table – column 4 – row 4 – point 2 – point a <i>(a) without prejudice to subparagraph (b), articles and mixtures containing concentrations below 0,1 % of heptabromodiphenyl ether by weight when produced partially or fully from recycled materials or materials from waste prepared for re-use;</i></p>	<p>Amendment 41 <i>Deleted</i></p>	<p>Support AM 41</p> <p><i>Justification: The biggest issue connected with the POPs is currently the lack of reporting on emissions in waste. The excessively lax limits for waste in Annex IV and the derogations for the recycling of brominated diphenyl ethers (in particular, penta-BDE and octa-BDE) lead to the contamination of recycled plastic products, such as children's toys, kitchen utensils or</i></p>

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		<p><i>food packaging. To stop the flow of these toxic substances, it will be necessary to remove the recycling derogations.</i></p>
	<p>Amendment 30 Annex I – part A – row 24 a (new) Substance : Bis(pentabromophenyl) ether (decabromodiphenyl ether; decaBDE) Cas No: 1163-19-5 EC no: 214-604-9 <i>Specific exemption on intermediate use or other specification:</i></p> <ol style="list-style-type: none"> 1. <i>For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of decaBDE equal to or below 10 mg/kg (0,001 % by weight) when it occurs in substances. 1a. For the purposes of the entries on tetra-, penta-, hexa-, hepta- and deca BDE, point (b) of Article 4(1) shall apply to concentrations in their entirety up to 1000 ppm by weight when they are present in mixtures or articles.</i> <p><i>This concentration limit shall be subject to an impact assessment and review by the Commission by ... [5</i></p>	<p>Reject AM 30</p> <p><i>Justification: AM 30 should be strongly rejected as it would allow DecaBDE, when mixed with similar persistent organic pollutants, a limit 100 times higher than the one adopted by the ENVI Committee for DecaBDE alone (see AM 25).</i></p> <p><i>As Deca-BDE is currently the dominant POP-BDE present in e-waste, it shall be regulated accordingly. Allowing any higher limits disregards its persistent, bioaccumulative, and toxic properties. It would also introduce DecaBDE into the recycling stream, causing uncontrolled, widespread contamination of articles made from recycled plastic.</i></p> <p><i>Instead, AM 25 (below) adopted by ENVI should be supported, as it</i></p>

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	<p><i>years after the date of entry into force of this Regulation].</i></p> <p><i>The impact assessment shall be based on the recommendations of ECHA and the Committee for Waste.</i></p> <p><i>2. By way of derogation, the manufacturing, placing on the market and use of decaBDE shall be allowed:</i></p> <p><i>(a) in the production of an aircraft, for which type approval has been applied for before date of entry into force and has been received before December 2022, before 2 March 2027;</i></p> <p><i>(b) in the production of spare parts for either of the following:</i></p> <p><i>(i) an aircraft, for which type approval has been applied for before date of entry into force and has been received before December 2022, produced before 2 March 2027 until the end of the service life of those aircraft;</i></p> <p><i>(ii) motor vehicles within the scope of Directive 2007/46/EC^{1a} of the European Parliament and of the Council, produced before ... [date of entry into force of this Regulation], either until 2036 or the end of the service life of those motor vehicles, whichever date comes earlier.</i></p>	<p><i>aligns the present recast to the Stockholm Convention.</i></p>

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	<p><i>3. The specific exemptions for spare parts for use in motor vehicles referred to in point (b)(ii) of paragraph 2 shall apply for the production and use of commercial decaBDE falling into one or more of the following categories:</i></p> <p><i>(i) powertrain and under-hood applications such as battery mass wires, battery interconnection wires, mobile air-conditioning (MAC) pipes, powertrains, exhaust manifold bushings, under-hood insulation, wiring and harness under hood (engine wiring, etc.), speed sensors, hoses, fan modules and knock sensors;</i></p>	
	<p>Amendment 25 Annex I – part A – row 24 a (new) 1. For the purposes of this entry, point (b) of Article 4(1) shall apply to concentrations of decaBDE equal to or below 10 mg/kg (0,001 % by weight) when it occurs in substances, mixtures, articles or as constituents of the flame-retarded parts of articles 2. By way of derogation, the manufacturing, placing on the market and use of decaBDE shall be allowed: (a) in the production of an aircraft, for which</p>	<p>Support AM 25</p> <p><i>Justification:</i> <i>This amendment is necessary in order to harmonize the concentration limit of DecaBDE with the limits for PentaBDE and OctaBDE and align the present recast to the most recent decisions of the Stockholm Convention’s Conference of the Parties.</i></p>

EU Recast proposal	Proposed amendment	Recommendation
	<p><i>type approval has been applied for before date of entry into force and has been received before December 2022, before 2 March 2027;</i></p> <p><i>(b) in the production of spare parts for either of the following:</i></p> <p><i>i) motor vehicles within the scope of Directive 2007/46/EC, produced before... [the date of entry into force of this Regulation], either until 2036 or the end of the service life of those motor vehicles, whichever date comes earlier.</i></p> <p><i>(i) powertrain and under-hood applications such as battery mass wires, battery interconnection wires, mobile air-conditioning (MAC) pipes, powertrains, exhaust manifold bushings, under-hood insulation, wiring and harness under hood (engine wiring, etc.), speed sensors, hoses, fan modules and knock sensors;</i></p> <p><i>(ii) fuel system applications such as fuel hoses, fuel tanks and fuel tanks under body;</i></p> <p><i>(iii) pyrotechnical devices and applications affected by pyrotechnical devices such as air bag ignition cables, seat covers/fabrics (only if airbag relevant) and airbags (front and side);</i></p> <p><i>(iv) suspension and interior applications such as trim components, acoustic material and seat belts.</i></p> <p><i>(v) reinforced plastics (instrument panels</i></p>	

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	<p><i>and interior trim);</i></p> <p><i>(vi) under the hood or dash (terminal/fuse blocks, higher-amperage wires and cable jacketing (spark plug wires));</i></p> <p><i>(vii) electric and electronic equipment (battery cases and battery trays, engine control electrical connectors, components of radio disks, navigation satellite systems, global positioning systems and computer systems);</i></p> <p><i>(viii) fabric such as rear decks, upholstery, headliners, automobile seats, head rests, sun visors, trim panels, carpets.</i></p> <p><i>3. The manufacturing of decaBDE and its use in the production and placing on the market of the following articles shall be allowed:</i></p> <p><i>(a) articles placed on the market before ... [the date of entry into force of this Regulation];</i></p> <p><i>(b) aircraft produced in accordance with subparagraph 2(a);</i></p> <p><i>(c) spare parts of aircraft produced in accordance with subparagraph 2(b).</i></p> <p><i>(d) electrical and electronic equipment within the scope of Directive 2011/65/EU.</i></p> <p><i>4. For the purpose of this entry 'aircraft' means one of the following:</i></p> <p><i>(a) a civil aircraft produced in accordance with a type certificate issued under Regulation (EU) No 216/2008 of the</i></p>	

EU Recast proposal	Proposed amendment	Recommendation
	<p><i>European Parliament and of the Council or with a design approval issued under the national regulations of a Contracting State to the International Civil Aviation Organisation (ICAO), or for which a certificate of airworthiness has been issued by an ICAO Contracting State under Annex 8 to the Convention on International Civil Aviation;</i> <i>(b) a military aircraft.</i></p>	
<p>Proposal for a regulation Annex IV – table – row 4 Alkanes C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs) 10 000 mg/kg</p>	<p>Amendment 42 Proposal for a regulation Annex IV – table – row 4 Alkanes C10-C13, chloro (short-chain chlorinated paraffins) (SCCPs) 100 mg/kg</p>	<p>Support AM 42</p> <p><i>Justification:</i> <i>SCCPs are toxic to aquatic organisms at low concentrations, disrupt endocrine function, and are suspected to cause cancer in humans. Any allowed limits should therefore be carefully considered, mindful of the precautionary approach protecting human health and the environment.</i></p> <p><i>A report developed on behalf of the Federal Environment Agency in Germany in 2015⁴ concludes that</i></p>

⁴Identification of potentially POP-containing Wastes and Recyclates – Derivation of Limit on behalf of the Federal Environment Agency (Germany) 2015
https://www.umweltbundesamt.de/sites/default/files/medien/378/publikationen/texte_35_2015_identification_of_potentially_pop-containing_wastes.pdf
https://ipen.org/sites/default/files/documents/ipen-sccps-report-v1_5-en.pdf

EU Recast proposal	Proposed amendment	Recommendation
		<p><i>"In order to minimise risks, it is possible to set the Low POPs Content Level for SCCP to 1,000 mg/kg or even 100 mg/kg", affirming the feasibility of a 100 mg/kg LPCL.</i></p> <p><i>Noting that these are the levels that refer to hazardous waste and not to allowed limits in articles, any trace amounts allowed in articles should be significantly lower than 100 mg/kg.</i></p> <p><i>Noting also that SCCP contamination is already widespread in plastics in the recycling stream and ending up in toys, every care should be taken to keep additional contamination out.</i></p>

EU Recast proposal	Proposed amendment	Recommendation
<p>Annex IV – table – column 4 – row 5</p> <p>Sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether and heptabromodiphenyl ether: 1000 mg/kg</p>	<p>Amendment 43</p> <p>Proposal for a regulation</p> <p>Annex IV – table – column 4 – row 5</p> <p>Sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether and heptabromodiphenyl ether: 50 mg/kg</p>	<p>Support AM 43</p> <p><i>Justification: The biggest issue connected with the POPs is currently the lack of reporting on emissions in waste. The excessively lax limits for waste in Annex IV and the derogations for the recycling of brominated diphenyl ethers (in particular, penta-BDE and octa-BDE) lead to the contamination of recycled plastic products, such as children’s toys, kitchen utensils or food packaging. To stop the flow of these toxic substances, it will be necessary to set stricter POPs limits in waste.</i></p> <p><i>The last Conference of Parties to the Basel and Stockholm Conventions on May 2017 suggested using either a 50 ppm or 1000 ppm limit for POPs waste containing PBDEs.⁵</i></p>

⁵ Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, 2017: General technical guidelines on the environmentally sound management of wastes consisting of, containing or contaminated with persistent organic pollutants (adopted by COP.13 to the Basel Convention, May 2017). Available at: <http://www.basel.int/Portals/4/download.aspx?d=UNEP-CHW.13-6-Add.1-Rev.1.English.docx>

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<p>Annex IV – rows 6 to 9 Concentration limit referred to in Article 7(4)(a) Sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether <i>and</i> heptabromodiphenyl ether: 1000 mg/kg</p>	<p>Amendment 37 Annex IV – rows 6 to 9 Concentration limit referred to in Article 7(4)(a) Sum of the concentrations of tetrabromodiphenyl ether, pentabromodiphenyl ether, hexabromodiphenyl ether, heptabromodiphenyl <i>and decabromodiphenyl ether</i>: 500 mg/kg</p>	<p>Support AM 37 cp1 on concentration limit if AM43 falls</p> <p>Support AM 37 cp2</p> <p><i>Justification: The safety of a product must be ensured no matter if it is made of virgin or recycled material. The sum of the concentration limits of PBDEs should be 50 mg/kg both in products and wastes (see AM 43 above). No double standards are acceptable from the consumer' safety and health perspective, especially for vulnerable groups such as children and pregnant women that would be more exposed to products made with recycled materials that contain POPs.</i></p>
<p>Recital 25 Text proposed by the Commission Amendment (25) The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to permit, where appropriate, <i>the</i> manufacture and use of a substance listed in Part A to Annex I or Part A to Annex II to this Regulation as a closed-</p>	<p>Amendment 31 Recital 25 The power to adopt acts in accordance with Article 290 of the Treaty should be delegated to the Commission to <i>adopt additional measures relating to waste management, to specify the minimum information to be provided by Member States in monitoring the</i></p>	<p>Support AM 31</p> <p><i>Justification: The adoption of additional measures relating to waste management and the further specification of minimum information to be provided by Member States in monitoring the</i></p>

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<p>system site-limited intermediate, to establish concentration limits for a substance for the purposes of Annexes IV and V and to amend the Annexes to this Regulation in order to adapt them to any change to the list of substances set out in the Annexes to the Convention or the Protocol as well as to modify existing entries or provisions in the Annexes to this Regulation in order to adapt them to scientific and technical progress.</p>	<p><i>implementation of this Regulation, to</i> permit, where appropriate, manufacture and use of a substance listed in Part A to Annex I or Part A to Annex II to this Regulation as a closed-system site-limited intermediate, to establish concentration limits for a substance for the purposes of Annexes IV and V and to amend the Annexes to this Regulation in order to adapt them to any change to the list of substances set out in the Annexes to the Convention or the Protocol as well as to modify existing entries or provisions in the Annexes to this Regulation in order to adapt them to scientific and technical progress.</p>	<p><i>implementation of this Regulation should be adopted by delegated acts, as they supplement the basic act.</i></p>
<p>Recital 28 <i>In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to adopt additional measures relating to waste management and to specify the minimum information to be provided by Member States in monitoring the implementation of this Regulation. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council</i></p>	<p>Amendment 32 Recital 28 <i>Deleted</i></p>	<p>Support AM 32</p> <p><i>Justification: This issue should be adopted by delegated acts, as they supplement the basic act</i></p>